

AMENDED IN SENATE AUGUST 28, 2006

AMENDED IN SENATE AUGUST 23, 2006

AMENDED IN SENATE AUGUST 7, 2006

AMENDED IN SENATE JUNE 19, 2006

CALIFORNIA LEGISLATURE—2005–06 REGULAR SESSION

ASSEMBLY BILL

No. 1334

Introduced by Assembly Member Salinas

February 22, 2005

An act to amend Section 1775 of the Business and Professions Code, relating to dentistry.

LEGISLATIVE COUNSEL'S DIGEST

AB 1334, as amended, Salinas. Dentistry: registered dental hygienists.

Under existing law, the Dental Practice Act, dental auxiliaries are licensed and regulated by the Committee on Dental Auxiliaries and the Dental Board of California. Existing law authorizes a registered dental hygienist in alternative practice to perform certain functions of a registered dental hygienist, subject to specified conditions.

Existing law authorizes a registered dental hygienist in alternative practice to perform dental hygiene services for a patient who presents a prescription for the services issued by a dentist or physician and surgeon who has performed a physical examination and a diagnosis of the patient prior to the prescription being provided, as specified. The prescription may be valid for a period not to exceed 15 months.

This bill would require a registered dental hygienist in alternative practice to obtain written verification that ~~the~~ a patient has been

examined by a dentist or physician and surgeon ~~no later than if the hygienist provides services to the patient~~ 18 months following or more after the first date that the hygienist provides services. The bill would require that the verification include a prescription for dental hygiene services, which prescription may be valid for a period not to exceed 2 years. The bill would provide that failure to comply with these provisions would be considered unprofessional conduct.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 1775 of the Business and Professions
- 2 Code is amended to read:
- 3 1775. (a) A registered dental hygienist in alternative practice
- 4 may perform those preventive and therapeutic functions
- 5 described in subdivision (a) of Section 1760, subdivision (a) of
- 6 Section 1760.5, and subdivisions (a) and (b) of Section 1762 as
- 7 an employee of a dentist or of another registered dental hygienist
- 8 in alternative practice, or as an independent contractor, or as a
- 9 sole proprietor of an alternative dental hygiene practice, or as an
- 10 employee of a primary care clinic or specialty clinic that is
- 11 licensed pursuant to Section 1204 of the Health and Safety Code
- 12 or as an employee of a primary care clinic exempt from licensure
- 13 pursuant to subdivision (c) of Section 1206 of the Health and
- 14 Safety Code, or as an employee of a clinic owned or operated by
- 15 a public hospital or health system, or as an employee of a clinic
- 16 owned and operated by a hospital that maintains the primary
- 17 contract with a county government to fill the county's role under
- 18 Section 17000 of the Welfare and Institutions Code.
- 19 (b) A registered dental hygienist in alternative practice may
- 20 perform the dental hygiene services specified in subdivision (a)
- 21 in the following settings:
- 22 (1) Residences of the homebound.
- 23 (2) Schools.
- 24 (3) Residential facilities and other institutions.
- 25 (4) Dental health professional shortage areas, as certified by
- 26 the Office of Statewide Health Planning and Development in
- 27 accordance with existing office guidelines.

1 (c) A registered dental hygienist in alternative practice shall
2 not do any of the following:

3 (1) Infer, purport, advertise, or imply that he or she is in any
4 way able to provide dental services or make any type of dental
5 health diagnosis beyond those services specified in subdivision
6 (a).

7 (2) Hire a registered dental hygienist to provide direct patient
8 services other than a registered dental hygienist in alternative
9 practice.

10 (d) A registered dental hygienist in alternative practice may
11 submit or allow to be submitted any insurance or third-party
12 claims for patient services performed as authorized pursuant to
13 this article.

14 (e) A registered dental hygienist in alternative practice may
15 hire other registered dental hygienists in alternative practice to
16 assist in his or her practice.

17 (f) A registered dental hygienist in alternative practice may
18 hire and supervise dental assistants performing functions
19 specified in subdivision (b) of Section 1751.

20 (g) A registered dental hygienist in alternative practice shall
21 provide to the board documentation of an existing relationship
22 with at least one dentist for referral, consultation, and emergency
23 services.

24 (h) ~~No later than 18 months following~~ (1) *A dental hygienist*
25 *in alternative practice may provide services to a patient without*
26 *obtaining written verification that the patient has been examined*
27 *by a dentist or physician and surgeon licensed to practice in this*
28 *state.*

29 (2) *If a dental hygienist in alternative practice provides*
30 *services to a patient 18 months or more after the first date that a*
31 ~~registered dental hygienist in alternative practice provides~~ *he or*
32 *she provides* services to a patient, he or she shall obtain written
33 verification that the patient has been examined by a dentist or
34 physician and surgeon licensed to practice in this state. The
35 verification shall include a prescription for dental hygiene
36 services as described in subdivision (i). Failure to comply with
37 ~~this subdivision paragraph~~ or subdivision (i) shall be considered
38 unprofessional conduct.

39 (i) A registered dental hygienist in alternative practice may
40 perform dental hygiene services for a patient who presents to the

1 registered hygienist in alternative practice a written prescription
2 for dental hygiene services issued by a dentist or physician and
3 surgeon licensed to practice in this state. The prescription shall
4 be valid for a time period based on the dentist's or physician and
5 surgeon's professional judgment, but not to exceed two years
6 from the date that it was issued.

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